

REMARKS

Reconsideration is requested.

Claims 8 and 15-19 and 21-33 are pending. Claims 25-33 have been added.

Support for the amended and new claims can be found throughout the specification.

The recited amount of xantham gum finds support, for example, on page 11, lines 15-25 of the specification. The homogeneous composition of the claimed invention is described, for example, at page 3, lines 5-6 of the specification. No new matter has been added. Claims 1-7, 9-14 and 20 have been cancelled, without prejudice.

The Examiner interview of January 23, 2007 is acknowledged, with appreciation.

The Examiner's Interview Summary is accurate in its brief statement of the issues discussed. Claim 8 has been amended as discussed with the Examiners during the interview, to further define the disclosed invention.

Specifically, claim 8 defines the composition as a homogeneous composition of a total keratinocyte lysate. The disclosed and claimed combination of total keratinocyte lysate and xantham gum allows for the unexpectedly beneficial homogeneous composition of the claims. The use of xantham gum with the claimed lysate as an antiflocculant and/or antisedimentation agent provides a homogeneous composition which, when applied in the claimed method, can provide more uniform application of the active, i.e., a total keratinocyte lysate.

The Rule 75 objection to claim 18 is obviated by the above amendments. Withdrawal of the Rule 75 objection is requested.

The Section 103 rejection of the claims 8, 15-17 and 19-24 over Van Bossuyt (U.S. Patent No. 5,866,167) in view of Rolf (U.S. Patent No. 5,804,213), is traversed.

Reconsideration and withdrawal of the rejection are requested in view of the above and the following comments.

Van Bossuyt fails to teach or suggest the presently claimed homogeneous combination of a total keratinocyte lysate and 0.001-1 w/v% xanthan gum. Moreover, Van Bossuyt fails to motivate one of ordinary skill in the art to include an antiflocculant and/or antisedimentation agent as there is no suggestion in Van Bossuyt that a total keratinocyte lysate composition may produce flocs and/or sediment. Further, the secondary reference, does not teach or suggest compositions including cell lysates as biologically active constituents such that there was no motivation in the cited combination of art to make the claimed invention.

Even if one of ordinary skill in the art were to have combined the cited references, which the applicants do not believe would have been motivated by the art, the combination of art would not have led to the claimed invention. Specifically, Rolf, the secondary reference, teaches an inclusion of 3-15%, and preferably 9-12% "gel forming hydrocolloid polymer". See column 7, lines 13-17 of Rolf. Moreover, of the 74 examples in Rolf, only examples 37-39 appear to specifically teach compositions containing xantam gum - and these examples included 10%, 3% and 5% xantham gum and produced lumpy gels at the lower concentrations.

The claims are submitted to be patentable over Van Bossuyt and Rolf. Withdrawal of the Section 103 rejection is requested.

The Section 103 rejection of claim 18 over Van Bossuyt, Rolf and Wunderlich (U.S. Patent No. 5,387,415), is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following distinguishing comments.

The deficiencies of the combined teachings of Van Bossuyt and Rolf are described above. Wunderlich fails to cure these deficiencies. Wunderlich fails to teach or describe or relate to a total keratinocyte lysate of the claimed invention. The applicants submit, with due respect, that the cited combination of art would not have led one of ordinary skill in the art to have made the claimed invention. Withdrawal of the Section 103 rejection are requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned in the event anything further is required in this regard.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_ /B. J. Sadoff/  
B. J. Sadoff  
Reg. No. 36,663

BJS:  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100